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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. *2013-586*

11 **NITAJEAN M. LOPEZ, AKA NITA JEAN**
12 **MARTINEZ LOPEZ**
13 **20002 Jersey Avenue**
Lakewood, CA 90715

A C C U S A T I O N

14 **Registered Nurse License No. 437099**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Executive Officer of the Board of Registered Nursing (Board),
21 Department of Consumer Affairs.

22 2. On or about March 31, 1989, the Board issued Registered Nurse License Number
23 437099 to Nitajean M. Lopez, aka Nita Jean Martinez Lopez (Respondent). The Registered
24 Nurse License was in full force and effect at all times relevant to the charges brought herein and
25 will expire on March 31, 2013, unless renewed.

26 **JURISDICTION**

27 3. This Accusation is brought before the Board under the authority of the following
28 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
2 included in a stipulated settlement.

3 **PATIENT D.G.**

4 11. From about 1998 to 2010, Respondent was employed as a registered nurse at the
5 Metropolitan State Hospital in Norwalk, California. On or about January 29, 2010, Respondent
6 was assigned as the Floor and Documentation Nurse in Unit 418 to care for Patient D.G. Her
7 primary responsibilities included, but were not limited to, assessing and documenting the
8 patient's condition.

9 12. At about 0930 hours, while assisting RN Concepcion with Patient D.G.'s incontinent
10 care, Patient D.G. was observed to be making rapid and shallow breathings with his mouth, his
11 lips were slightly bluish in color, his skin color was pale, and his hands were cold to touch.
12 Respondent also noted that the patient's abdomen was tender and bloated. His stool was blackish,
13 soft and with a foul odor. During the incontinent care, Patient D.G. was noted to have a syncopal
14 episode, briefly losing consciousness and then recovering. RN Concepcion took the patient's
15 vital signs in Respondent's presence, which were: pulse 104; respirations 24; blood pressure
16 124/74; and his oxygen saturation (O2 sat.) was 89% with room air. The patient was given 2
17 liters of oxygen via nasal cannula. At about 0940 hours, Respondent notified Dr. Tuyen Le, the
18 attending physician, of the patient's change in condition. Dr. Le instructed the staff to call 911,
19 but later cancelled the directive after he examined the patient. Dr. Le ordered hourly vital sign
20 readings until 1400 hours.

21 13. At about 1000 hours, Respondent took a break and left the patient's room. At about
22 1200 hours, Respondent was assigned to check Patient D.G.'s diaper but she did not make any
23 other observations of the patient.

24 14. At about 1100 hours, Dr. Le ordered laboratory works to be performed.

25 15. The following are Patient D.G.'s laboratory results and vital sign readings taken by a
26 psychiatric technician/treatment nurse:

27 a. At about 0945 hours, pulse 104, respiration 24, O2 sat. 96;

28 b. At about 1045 hours, pulse 121, respiration 28, O2 sat. 94;

- 1 c. At about 1145 hours, pulse 128, respiration 44. O2 sat. 95;
2 d. At about 1243 hours, white blood cell count 30.3 [lab results];
3 e. At about 1245 hours, pulse 102, respiration 26, O2 sat. 85-87%;
4 f. At about 1345 hours, pulse 132, respiration 32, O2 sat. 77%.
5 16. At about 1330 hours, Dr. Le ordered the patient to be transferred to Norwalk
6 Community Hospital's Emergency Department.
7 17. At about 1430 hours, Patient D.G. was transported to Norwalk Community Hospital
8 for abdominal pain and respiratory distress.
9 18. At about 2314 hours, Patient D.G. expired due to respiratory failure secondary to
10 hypotension/sepsis after intubation.
11 19. On or about March 24, 2010, during a recorded interview by an investigator for the
12 Department of Mental Health at the Metropolitan State Hospital, and a subsequent interview by
13 the Board's investigator on May 4, 2012, Respondent claimed that she took the vital signs of
14 Patient D.G. at about 1300 hours and the vitals were normal. She did not document her findings.

15 **FIRST CAUSE FOR DISCIPLINE**

16 **(Gross Negligence)**

17 20. Respondent is subject to disciplinary action under Code section 2761, subdivision
18 (a)(1), in conjunction with California Code of Regulations, title 16, section 1442, in that on or
19 about January 29, 2010, she committed gross negligence in her care of Patient D.G. Complainant
20 refers to and incorporates all the allegations contained in paragraphs 11 – 19, as though set forth
21 fully, and as follows:

- 22 a. Respondent failed to properly assess the implications of the objective clinical
23 measures of Patient D.G.'s worsening condition when she was in the room with RN Concepcion
24 at about 0930 hours, and later returned at about 1200 hours and 1300 hours.
25 b. Respondent failed to timely document the key clinical data she had observed,
26 measured and assessed of Patient D.G. in the medical file. Respondent claimed she had taken
27 Patient D.G.'s vitals at around 1300 hours, but she failed to document the data.
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1 c. Respondent failed to report the key clinical data she had observed, measured and
2 assessed of Patient D.G. to her shift lead or the Health Services Specialist or other supervisory
3 clinicians.

4 **SECOND CAUSE FOR DISCIPLINE**

5 **(Incompetence)**

6 21. Respondent is subject to disciplinary action under Code section 2761, subdivision
7 (a)(1), in conjunction with California Code of Regulations, title 16, section 1443, in that on or
8 about January 29, 2010, she demonstrated incompetence in her care of Patient D.G. Complainant
9 refers to and incorporates all the allegations contained in paragraphs 11 – 20, as though set forth
10 fully.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 437099, issued to
15 Nitajean M. Lopez, aka Nita Jean Martinez Lopez;

16 2. Ordering Nitajean M. Lopez, aka Nita Jean Martinez Lopez to pay the Board of
17 Registered Nursing the reasonable costs of the investigation and enforcement of this case,
18 pursuant to Business and Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20 DATED: JANUARY 25, 2013

21 *Louise R. Bailey*
22 LOUISE R. BAILEY, M.ED., RN
23 Executive Officer
24 Board of Registered Nursing
25 Department of Consumer Affairs
26 State of California
27 Complainant
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